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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,482	03/31/2004	Toshiharu Furukawa	ROC920030399US1	6082

30206 7590 12/03/2009  
IBM CORPORATION  
ROCHESTER IP LAW DEPT. 917  
3605 HIGHWAY 52 NORTH  
ROCHESTER, MN 55901-7829

EXAMINER
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GOODWIN, DAVID J

ART UNIT	PAPER NUMBER
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2818

NOTIFICATION DATE	DELIVERY MODE
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12/03/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

rociplaw@us.ibm.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:*  
TOSHIHARU FURUKAWA, CHARLES WILLIAM KOBURGER, III, and  
JAMES ALBERT SLINKMAN

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Application 10/814,482  
Technology Center 2800

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Mailed: December 2, 2009

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Before Quita S. Gould, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on October 7, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

PRIOR ORDER FOR RETURN

A prior “Order Returning Undocketed Appeal to Examiner” was mailed on July 16, 2009, wherein the Examiner was instructed that corrections were required. A review of the file finds that the required corrections have not been made in entirety.

It is noted that the Examiner’s response in the October 7, 2009, communication was a proper response to the Reply Brief filed December 14, 2007. However, the Examiner has still not vacated the February 1, 2008, improper response to the Reply Brief.

This correction is still required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) vacate the Communication mailed February 1, 2008; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

QSG/saw

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